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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,215	03/02/2004	George E. Sakoske	FER-15313.002:	3941

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RANKIN, HILL, PORTER & CLARK, LLP
925 EUCLID AVENUE, SUITE 700
CLEVELAND, OH 44115-1405

EXAMINER	
PADGETT, MARIANNE L	
ART UNIT	**PAPER NUMBER**
1762	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,215	SAKOSKE, GEORGE E.	
	Examiner	Art Unit	
	Marianne L. Padgett	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 7-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 & 7-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 18 and 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Applicant's on page 8 of the 3/16/2005 response in essences points out the contradictory nature of these claims, since they explicitly claim ranges that expand the scope of previous claims, formerly just claim 16, now also claim 1 (which was why the language concerning zero % weight was left in the art rejection and not edited out). The "upto" phraseology necessarily includes use of none or zero, hence is contradictory of the coating composition of amended claim 1 and of claim 16, which recite the presence of crystal seed powder. Use of a term or phrase non-inclusive of zero is recommended.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyman et al (4,327,283), in view of Axtell, III et al (6,238,847 B1), and further in view of Boaz (4,477,486) as applied in sections 3 and 4 of the action of 12/17/2004.

The examiner does not agree with applicant's assessment that Heyman et al is necessarily non-analogous art, because it does not teach automotive glass, but cathode ray tubes instead, because (1) Axtell et al who teach automotive glass as substrates, also teaches other glass substrates and electrical or lighting substrates (col. 3, lines 47-53) for treatment via a laser

ablation marking technique, showing that one of ordinary skill is not so limited in their thinking as implied by applicant's representative, but would have recognized that the substrate material to which one is applying the claimed or taught technique, i.e. glass, is analogous and expected to be effected analogously by substantially similar techniques as discussed, with Axtell et al very clearly suggesting such as association to one of ordinary skill.

Applicant appears to be arguing that Heyman must comprehend the action of "crystallizing frits" in order to read on the present claims, even if they use material that did what is claimed. This is not the case, if a composition was used that has the affect claimed, it reads on that composition, whether or not the mechanism by which it worked is realized or comprehended. If applicant's "crystal seed powder" have some critically significant difference from the compositions used in the above combination, that significantly effects the operation of the laser ablation process, a clear showing of how applicant's claimed material necessarily differs from such taught compositions or amendments to necessitate such a distinction, might be effective to differentiate the claims from this prior art, as this seems to be what applicant perceives as an important or critical difference, but the examiner does not see how it is necessarily may be considered to be different.

4. Claims 7 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyman et al, in view of Axtell, III et al and Boaz as applied to claims 1-2 and 7-16 above, and further in view of Sakoske (5,783,507), as applied in section 5 of the 12/17/2004.

Note that Sakoske and Boaz may be considered cumulative for the limitation of claim 7 and 16, and that the limitations covered by Boaz that were added to the independent claim are not considered to materially effect this rejection.

5. Applicant's arguments filed 3/16/2005 and discussed above have been fully considered but they are not persuasive.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on Monday-Friday from about 8:30 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.L. Padgett/dh
July 7, 2005

July 15, 2005

MARIANNE PADGETT
PRIMARY EXAMINER